



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,978	11/03/2003	Robin Haley Gustin	P69352	5034
40401 7590 01/07/2009 Hershkovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314				
EXAMINER NGUYEN, NGA B				
ART UNIT 3692		PAPER NUMBER		
NOTIFICATION DATE 01/07/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net
patent@hershkovitz.net

Office Action Summary

Application No.

10/699,978

Applicant(s)

GUSTIN ET AL.

Examiner

Nga B. Nguyen

Art Unit

3692

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 16-20 and 29-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15, 21-28 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on October 24, 2008, which paper has been placed of record in the file.
2. Claims 8-15, 21-28 and 34-36 are elected for consideration in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 8-15, 21-28 and 34-36 have been fully considered but are not persuasive.

In response to the applicant's arguments that Bator is drawn to a stand-alone device and in contrast to a method and automated banking system for receiving payment from a user and for transfer of funds to a transferee in a network, examiner disagrees. Examiner submits that Bator is drawn to either a stand-alone device or postal kiosk, information kiosk, an ATM, a POS terminal, a vending machine and the like (column 4, lines 1-10). Bator discloses method and system for receiving payment from a user and for transfer of funds to a transferee in the form of money order. Therefore, Bator's objective and environment is the same as the transfer of funds of the present invention. Thus, it would have been obvious to combine the teaching of Bator to Konya. Moreover, with regard to claim 22, Bator discloses in column 9, lines 60-67 that "the requested money order is only issued after a sufficient amount of actual money is deposited in the kiosk via a bill acceptor", thus it is obvious that the machine must "counting the cash" in order to determine "a sufficient amount of actual money" and the machine must "verifying the cash as being an amount to cover the transferred amount"

in order to only issued money order after a sufficient amount of actual money is deposit into the bill acceptor. Therefore, Bator satisfies the limitations of claim 22.

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-15, 21-28 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konya, U.S. Patent No. 5,937,396, in view of Bator et al. (hereinafter Bator), U.S. Patent No. 6,575,362.

Regarding to claim 8, Konya discloses an automated banking system for receiving payment from a user and for transfer of funds to a transferee in a network, said system comprising:

an automated machine having a card reader for a card which identifies the user as being qualified to use the network (*figure 2, column 9, lines 9-20, the ATM 14 includes a card reader 24, upon insertion of the transaction card 30 into the reader 24, the ATM 14 verifies an individual's access to the account encoded thereon*);

a verifier to verify the transferee in the network (*column 10, lines 45-60, the recipient's account must be validated to ensure its existence*); and

a communication system in the network for transfer through the network to at least one of the verified transferee and transferee's account (*column 9, lines 57-65, modem 66*).

Konya does not disclose a cash acceptor for accepting payment by the user for the transfer. However, Bator discloses a cash acceptor for accepting payment by the user for the transfer (*column 6, lines 25-33, bill acceptor device 60 permits a customer to pay for a money order using cash, thus the customer transfer funds in the form of cash to the recipient in the form of money order*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's

to incorporate the feature taught by Bator's above, for the purpose providing more convenient for the user to transfer funds using cash as a transferring method.

Regarding to claim 9, Konya does not disclose wherein the cash acceptor comprises a cash receiver for receiving and totaling the cash received. However, Bator discloses wherein the payment acceptor comprises a cash receiver for receiving and totaling the cash received (*column 6, lines 25-33, bill acceptor device 60 permits a customer to pay for a money order using cash; column 7, lines 35-37; the requested money order is issued only after a sufficient amount of money is deposited to the bill acceptor 60*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's to incorporate the feature taught by Bator's above, for the purpose providing more convenient for the user to transfer funds using cash as a transferring method.

Regarding to claim 10, Konya further discloses wherein the card reader comprises: a card receiver for receiving a card for payment for the transfer; and means for reading the card and for causing a debit on the card related to the funds being transferred (*column 9, lines 9-20, the card reader 24 is also a card receiver to accept the transaction card 30 for transferring the money from the user's account to the recipient's account*).

Regarding to claim 11, Konya does not disclose wherein the card reader comprises a credit card reader which reads the credit card and performs a charge transaction over a credit card network for an amount related to the funds being

transferred. However, Bator discloses wherein the payment acceptor comprises a credit card reader which reads the credit card and performs a charge transaction over a credit card network for an amount related to the funds being transferred (*column 5, lines 40-50 and column 7, lines 1-10, a card reader 50 is provided for accepting payment by credit card*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's to incorporate the feature taught by Bator's above, for the purpose providing more convenient for the user to transfer funds using credit card as a transferring method.

Regarding to claim 12, Konya does not disclose wherein the card reader comprises a smart card reader and a debit system that read the card to ascertain if an amount on the card is sufficient for payment of the funds being transferred, and writes down on the smart card an amount related to the amount of funds being transferred. However, Bator discloses wherein the card reader comprises a smart card reader and a debit system that read the card to ascertain if an amount on the card is sufficient for payment of the funds being transferred, and writes down on the smart card an amount related to the amount of funds being transferred (*column 5, lines 40-65 and column 9, lines 40-60, payment is made with a smart card*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's to incorporate the feature taught by Bator's above, for the purpose providing more convenient for the user to transfer funds using smart card as a transferring method.

Regarding to claim 13, Konya further discloses wherein: a printer prints a receipt for the sender of the transfer; (*column 8, lines 44-50, printing device is used to prepare*

a transaction report). Konya does not directly disclose a transactional record system makes and keeps a record of the transfer. However, Konya discloses bank computer system maintain a database of various accounts (*column 9, lines 50-58*). Moreover, it is well known in the art of banking that the bank computer system makes and keeps a record of the transfer. For example, the bank creates monthly bank statements for customers, the bank statements listed all transaction activities performed by customers (deposit, withdraw, transfer fund, etc.). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's to incorporate the well-known features above, for the purpose keeping a record of the transfer for future references.

Regarding to claim 14, Konya further discloses wherein an input device operable by the sender causes connection to the sender's withdrawal account to withdraw therefrom an amount sufficient to pay the transfer (*column 10, lines 28-40 and column 11, lines 1-10, amount transferred withdrawn from the user's account*).

Regarding to claim 15, Konya does not disclose wherein a display displays to the user a method of payment from among cash, credit card, smart card or account withdrawal; and a selector is operable by the user to select one of the methods of payment for the transfer. Although, Bator does not directly disclose wherein a display displays to the user a method of payment from among cash, credit card, smart card or account withdrawal; and a selector is operable by the user to select one of the methods of payment for the transfer. However, Bator discloses wherein a display displays to the user a guiding instruction (*column 11, lines 15-20*), allows the user to transfer funds

using a method of payment from among cash, credit card, smart card or account withdrawal (*column 6, lines 65-67*) and input/output section 10 for inputting customer selection of the transaction (*column 5, lines 30-40 and column 6, lines 17-25*). Thus, it would be obvious in Bator's that the input/output section 10 is operable by the user to select one of the methods of payment for the transfer in order to satisfy the feature of "transfer funds using a method of payment from among cash, credit card, smart card or account withdrawal" disclosed in Bator. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's to incorporate the features taught by Bator's above, for the purpose providing more convenient for the user to transfer funds using a plurality of transferring methods from among cash, credit card, smart card or account withdrawal.

Regarding to claim 21, Konya discloses a method of providing an automated banking system machine with the capability of transfer of funds from a user to a transferee within the network, comprising:

providing a card reader for a card which identifies the user as being qualified to use the machine and network (*figure 2, column 9, lines 9-20, the ATM 14 includes a card reader 24, upon insertion of the transaction card 30 into the reader 24, the ATM 14 verifies an individual's access to the account encoded thereon*);

inputting at least one of (a) an identification of the bank through which the transfer is to be made along with (b) an account number of the transferee (*column 10, lines 42-45, entering the transferee's account number using the keypad*);

entering the amount to be transferred to the transferee (*column 10, lines 28-35, entering amount to be transferred*);

providing the machine with a method of payment for the transfer (*column 6, lines 17-25, input/output section 10 includes appropriate sources of input data for reading the appropriate card*); and

communicating in the network for transfer through the network to at least one of the verified transferee and transferee's account (*column 9, lines 57-65, modem 66, communication through the bank system over a modem 66*).

Konya does not disclose the method of payment from among cash, credit card, smart card or account withdrawal. However, Bator discloses the method of payment from among cash, credit card, smart card or account withdrawal (*column 6, lines 65-67*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's to incorporate the features taught by Bator's above, for the purpose providing more convenient for the user to transfer funds using a plurality of transferring methods from among cash, credit card, smart card or account withdrawal.

Regarding to claim 22, Konya discloses a transaction fees associated with the transfer (*column 9, lines 30-32*). Konya does not disclose depositing funds for the transfer; counting the funds received in the machine; and verifying the funds as being sufficient to cover the transferred amount. However, Bator discloses depositing funds for the transfer; counting the funds received in the machine; and verifying the funds as

being sufficient to cover the transferred amount (*column 9, lines 60-67, the requested money order is only issued after a sufficient amount of actual money is deposited in the kiosk via a bill acceptor*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's to incorporate the feature taught by Bator's above, for the purpose providing more convenient for the user to transfer funds using cash as a transferring method.

Regarding to claim 23, Konya further discloses selecting payment for the transfer from a card; and reading the card and causing a debit on the card related to the amount of funds being transferred to the transferee (*column 9, lines 9-20, the card reader 24 is also a payment acceptor to accept the transaction card 30 for transferring the money from the user's account to the recipient's account*).

Regarding to claim 24, Konya discloses the transactional fee which is to be charged to the user's account (*column 9, lines 30-32*). Konya does not disclose wherein the card includes a credit card; and further comprising communicating, over a credit card network, the amount of the funds being transferred charged to the user's credit card. However, Bator discloses wherein the card includes a credit card; and further comprising communicating, over a credit card network, the amount of the funds being transferred charged to the user's credit card (*column 5, lines 40-50 and column 7, lines 1-10, a card reader 50 is provided for accepting payment by credit card*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's to incorporate the feature taught by Bator's above, for the

purpose providing more convenient for the user to transfer funds using credit card as a transferring method.

Regarding to claim 25, Konya does not disclose wherein the payment is being made with a smart card and further comprising: reading the smart card to ascertain if the amount on the card is sufficient for payment of the transaction including the funds being transferred; writing down on the smart card the amount of the transaction for the transfer; and returning the smart card to the user. However, Bator discloses wherein the payment is being made with a smart card and further comprising: reading the smart card to ascertain if the amount on the card is sufficient for payment of the transaction including the funds being transferred; writing down on the smart card the amount of the transaction for the transfer (*column 5, lines 40-65 and column 9, lines 40-60, payment is made with a smart card*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's to incorporate the feature taught by Bator's above, for the purpose providing more convenient for the user to transfer funds using smart card as a transferring method.

Regarding to claim 26, Konya further discloses printing a receipt for the transactional cost of the transfer; providing the receipt to the user; and recording, a transaction record of the transfer (*column 8, lines 44-50, receipt dispenser 28 functions with a printing device for printing a transaction report*).

Regarding to claim 27, Konya further discloses selecting payment from an account of the user; and connecting via a communication network, to the user's bank, to

withdraw from the user's account an amount sufficient to pay for the transfer transaction (*column 10, lines 28-40 and column 11, lines 1-10, amount transferred withdrawn from the user's account*).

Regarding to claim 28, Konya does not disclose wherein there is provided a display to the user requesting a selection for the method of payment from among the options of paying with cash, the user's credit card, the smart card, or withdrawal from the user's account; and the user selects one of the methods of payment for the transfer. Although, Bator does not directly disclose wherein there is provided a display to the user requesting a selection for the method of payment from among the options of paying with cash, the user's credit card, the smart card, or withdrawal from the user's account; and the user selects one of the methods of payment for the transfer. However, Bator discloses wherein a display displays to the user a guiding instruction (*column 11, lines 15-20*), allows the user to transfer funds using a method of payment from among cash, credit card, smart card or account withdrawal (*column 6, lines 65-67*) and input/output section 10 for inputting customer selection of the transaction (*column 5, lines 30-40 and column 6, lines 17-25*). Thus, it would be obvious in Bator's that the input/output section 10 is operable by the user to select one of the methods of payment for the wire transfer in order to satisfy the feature of "transfer funds using a method of payment from among cash, credit card, smart card or account withdrawal" disclosed in Bator. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Konya's to incorporate the feature taught by Bator's above, for the purpose providing more convenient for the user to transfer funds

using a plurality of transferring methods from among cash, credit card, smart card or account withdrawal.

Regarding to claim 34, Konya further discloses:

an input device to enter the amount to be transferred to another (*figure 2, column 8, lines 27-30, a plurality of function keys 22 for entering the amount; column 10, lines 28-35, entering amount to be transferred*);

a keypad to enter the identity of the transferee's account (*figure 2, column 8, lines 20-28, the keypad 20; column 10, lines 42-45, entering the transferee's account number using the keypad*);

Regarding to claims 35-36, Konya further discloses wherein network is a banking network (*column 7, lines 60-67, ATM network*).

Conclusion

7. Claims **8-15, 21-28** and **34-36** are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(703) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/699,978

Page 15

Art Unit: 3692

/Nga B. Nguyen/

Primary Examiner, Art Unit 3692

December 30, 2008